

**FILED**

OCT 5, 1999

SUPREME COURT OF WISCONSIN

Marilyn L. Graves  
Clerk of Supreme Court  
Madison, WI

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In the Matter of the Amendment of  
the Rules of Pleading, Practice,  
and Procedure: Wis. Stat.  
§ 343.24(1) -- Use of Department  
of Transportation Operating Record  
Abstract in Criminal Proceeding

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ORDER  
No. 99-04

On September 28, 1999, the court held a public hearing on its proposal to amend Wis. Stat. § 343.24(1) to delete the provision declaring Department of Transportation operating record abstracts inadmissible in evidence in any criminal proceeding arising out of a motor vehicle accident. The amendment is intended to make admissible evidence available to establish repeat Operating While Intoxicated, Operating after Revocation, and other criminal traffic violations without the need for court records and case files beyond their retention period specified in SCR 72.01. The court has considered the presentations made at that public hearing.

IT IS ORDERED that, pursuant to Wis. Stat. § 751.12 and effective January 1, 2000, 343.24(1) of the statutes is amended to read:

**343.24 Department to furnish operating record. (1)** The department shall upon request furnish any person an abstract of the operating record of any person. The abstract shall be

certified if certification is requested. Such abstract is not admissible in evidence in any action for damages ~~or criminal proceeding~~ arising out of a motor vehicle accident.

IT IS ORDERED that notice of this amendment of Wis. Stat. § 343.24(1) be given by a single publication of a copy of this order in the official state newspaper and in an official publication of the State Bar of Wisconsin.

Dated at Madison, Wisconsin, this 5<sup>th</sup> day of October, 1999.

BY THE COURT:

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Marilyn L. Graves  
Clerk of Court